

1 AN ACT in relation to employment.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Minimum Wage Law is amended by changing  
5 Section 4 as follows:

6 (820 ILCS 105/4) (from Ch. 48, par. 1004)

7 Sec. 4. (a) Beginning January 1, 2004, and until  
8 January 1, 2005, every employer shall pay, to each of his or  
9 her employees who has reached the age of 18 years, wages at a  
10 rate of not less than \$6.50 per hour.

11 Beginning on January 1, 2005, every employer shall pay to  
12 each of his or her employees who has reached the age of 18  
13 years wages at a rate of not less than the amount established  
14 under this subsection (a).

15 On September 30, 2004, and on each following September  
16 30th, the Department of Labor shall calculate an adjusted  
17 minimum wage rate to maintain employee purchasing power by  
18 increasing the current year's minimum wage rate by the rate  
19 of inflation. The adjusted minimum wage rate shall be  
20 calculated to the nearest cent using the consumer price index  
21 for urban wage earners and clerical workers, CPI-W, or a  
22 successor index, for the 12 months prior to each September  
23 1st as calculated by the United States Department of Labor.  
24 Each adjusted minimum wage rate calculated under this  
25 subsection (a) takes effect on the following January 1st.

26 The Director of Labor shall by rule establish the minimum  
27 wage for employees under the age of 18 years. Every-employer  
28 shall-pay-to-each-of-his-employees-in-every-occupation--wages  
29 of--not--less-than-\$2.30-per-hour-or-in-the-case-of-employees  
30 under-18-years-of-age-wages-of-not-less-than-\$1.95-per--hour,  
31 except--as--provided--in-Sections-5-and-6-of-this-Act,-and-on

1 and-after-January-17-1984,-every-employer-shall-pay--to--each  
 2 of--his--employees-in-every-occupation-wages-of-not-less-than  
 3 \$2.65-per-hour-or-in-the-case-of-employees-under-18-years--of  
 4 age--wages--of-not-less-than-\$2.25-per-hour,-and-on-and-after  
 5 October-17-1984-every-employer--shall--pay--to--each--of--his  
 6 employees--in--every--occupation-wages-of-not-less-than-\$3.00  
 7 per-hour-or-in-the-case-of-employees-under-18--years--of--age  
 8 wages--of--not-less-than-\$2.55-per-hour-and-on-and-after-July  
 9 17-1985-every-employer-shall-pay-to-each-of-his-employees--in  
 10 every--occupation-wages-of-not-less-than-\$3.35-per-hour-or-in  
 11 the-case-of-employees-under-18-years-of-age-wages-of-not-less  
 12 than-\$2.85-per-hour.

13 At-no-time-shall-the-wages-paid-by-every-employer-to-each  
 14 of-his-employees-in-every-occupation-be-less-than-the-federal  
 15 minimum-hourly-wage-prescribed-by-Section-206(a)(1)-of--Title  
 16 29--of-the-United-States-Code,-and-at-no-time-shall-the-wages  
 17 paid-to-any-employee-under-18-years-of-age-be-more--than--50¢  
 18 less--than--the-wage-required-to-be-paid-to-employees-who-are  
 19 at-least-18-years-of-age.

20 (b) No employer shall discriminate between employees on  
 21 the basis of sex or mental or physical handicap, except as  
 22 otherwise provided in this Act by paying wages to employees  
 23 at a rate less than the rate at which he pays wages to  
 24 employees for the same or substantially similar work on jobs  
 25 the performance of which requires equal skill, effort, and  
 26 responsibility, and which are performed under similar working  
 27 conditions, except where such payment is made pursuant to (1)  
 28 a seniority system; (2) a merit system; (3) a system which  
 29 measures earnings by quantity or quality of production; or  
 30 (4) a differential based on any other factor other than sex  
 31 or mental or physical handicap, except as otherwise provided  
 32 in this Act.

33 (c) (Blank). Every-employer-of-an-employee-engaged-in-an  
 34 occupation-in-which-gratuities-have-customarily--and--usually

1 constituted---and---have---been---recognized---as---part---of---the  
2 remuneration-for-hire-purposes-is-entitled---to---an---allowance  
3 for---gratuities---as---part-of-the-hourly-wage-rate-provided-in  
4 Section-4, subsection-(a)-in-an-amount-not-to-exceed---40%---of  
5 the---applicable-minimum-wage-rate.-The-Director-shall-require  
6 each-employer-desiring-an-allowance-for-gratuities-to-provide  
7 substantial-evidence-that-the-amount-claimed, which---may---not  
8 exceed---40%---of-the-applicable-minimum-wage-rate, was-received  
9 by-the---employee---in---the---period---for---which---the---claim---of  
10 exemption---is---made,---and-no-part-thereof-was-returned-to-the  
11 employer.

12 (d) No camp counselor who resides on the premises of a  
13 seasonal camp of an organized not-for-profit corporation  
14 shall be subject to the adult minimum wage if the camp  
15 counselor (1) works 40 or more hours per week, and (2)  
16 receives a total weekly salary of not less than the adult  
17 minimum wage for a 40-hour week. If the counselor works less  
18 than 40 hours per week, the counselor shall be paid the  
19 minimum hourly wage for each hour worked. Every employer of  
20 a camp counselor under this subsection is entitled to an  
21 allowance for meals and lodging as part of the hourly wage  
22 rate provided in Section 4, subsection (a), in an amount not  
23 to exceed 25% of the minimum wage rate.

24 (e) A camp counselor employed at a day camp of an  
25 organized not-for-profit corporation is not subject to the  
26 adult minimum wage if the camp counselor is paid a stipend on  
27 a onetime or periodic basis and, if the camp counselor is a  
28 minor, the minor's parent, guardian or other custodian has  
29 consented in writing to the terms of payment before the  
30 commencement of such employment.

31 (Source: P.A. 86-502.)